

RULE 17.1, PLEAS OF GUILTY AND NO CONTEST — Rationale and importance of plea bargaining — Revised 11/2009

The U.S. Supreme Court has recognized that pleas of guilty and no contest are important and provide benefits to defendants, the prosecution, the courts, and the public as a whole:

If every criminal charge were subjected to a full-scale trial, the States and the Federal Government would need to multiply by many times the number of judges and court facilities. Disposition of charges after plea discussions is not only an essential part of the process but a highly desirable part for many reasons. It leads to prompt and largely final disposition of most criminal cases; it avoids much of the corrosive impact of enforced idleness during pre-trial confinement for those who are denied release pending trial; it protects the public from those accused persons who are prone to continue criminal conduct even while on pretrial release; and, by shortening the time between charge and disposition, it enhances whatever may be the rehabilitative prospects of the guilty when they are ultimately imprisoned.

Santobello v. New York, 404 U.S. 257, 260-61, 92 S.Ct. 495, 498, citing *Brady v. United States*, 397 U.S. 742, 751-752, 90 S.Ct. 1463, 1470-1471, 25 L.Ed.2d 747 (1970).

In *State v. Morse*, 127 Ariz. 25, 32, 617 P.2d 1141, 1148 (1980), the Arizona Supreme Court recognized that plea bargaining brings advantages to both prosecutors and defendants:

For the defendant, it can eliminate the exposure to a higher penalty and the burdens of a trial. It can shorten the period of pretrial incarceration, create certainty as to the outcome of the criminal prosecution, and bring quick imposition of release, rehabilitation, or incarceration. For the prosecution, it can lead to prompt and early disposition of cases, savings of judicial, prosecutorial, and penal resources, and early incarceration of those who are a menace to the public, yet sparing those not a public nuisance the corrosive idleness of awaiting trial in jail.